UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Roy Coleman,	)	
	)	
Plaintiff,	)	14 C 6427
	)	
vs.	)	Honorable Judge
	)	Sharon Johnson Coleman
Thomas J. Dart,	)	
	)	
Defendant.	)	

DEFENDANTS' LOCAL RULE 56.1(a) STATEMENT OF MATERIAL FACTS AND SUPPORTING EXHIBITS

NOW COMES Defendant, Thomas Dart through his attorney, Kimberly M. Foxx, State's Attorney of Cook County, by her Assistant State's Attorney Allyson L. West, and, pursuant to Rule 56.1(a) of the Rules of the Northern District of Illinois, file this statement of facts in support of their Motion for Summary Judgment against Plaintiff, Roy Coleman. In support thereof, Defendant states as follows:

1. Plaintiff currently resides in Chicago, Illinois with his daughter. (Defendant's Exhibit 1, Plaintiff's deposition taken December 15, 2016, p. 7:2-4.)

2. Plaintiff was incarcerated at Cook County Jail ("CCJ") on June 16, 2013 and housed in Division 3. (Exh. 1, Pl. dep., p. 14:7-13.)

3. Plaintiff wrote his Complaint when he was incarcerated at CCJ in Division 3. (Exh. 1, Pl. dep., p. 13:22-23.)

4. During Plaintiff's incarceration his was housed in Dorm B3, E2, A2, B4 and B2 located in Division 3. (Exh. 1, Pl. dep., p. 16:19-24; 17:1-12.)

5. Plaintiff testified that every dorm that he was housed in Division 3 did not have hot water during the wintertime, with the exception of Dorm B2. (Exh. 1, Pl. dep., p. 17.22-24; 18:1-3.)

6. Plaintiff testified that he saw people making repairs on the boiler and make adjustment for the hot water. He testified that the water would get hot again following this work but then go cold again. Plaintiff testified that he saw people working on the showers all the time (Exh. 1, Pl. dep., p. 18:12-23; 19:1-3.)

7. Additionally, Plaintiff testified that it was cold in the Dorms during the winter months, and he was provided triple blankets. (Exh. 1, Pl. dep., p. 19:11-14.)

8. Plaintiff testified that there were missing tiles and broken floor, but he does not recall which Dorm. (Exh. 1, Pl. dep., p. 21:8-13.)

9. Plaintiff testified that the toilets would leak from the wall. Plaintiff testified that he complained to the correctional staff and they made reports. Additionally, Plaintiff testified that people would come in to attempt to fix the toilets. (Exh. 1, Pl. dep., p. 21:23-24; 23:2-23.)

10. Plaintiff testified that there were four toilets and there was never a time where all four toilets were not working. (Exh. 1, Pl. dep., p. 25:1-3.)

11. Plaintiff testified that there was leaking from the ceiling but someone came into fix the leak. (Exh. 1, Pl. dep., p. 25:4-21.)

12. Plaintiff testified that in the summertime in Division 3 they would see spiders. However, Plaintiff was never bitten by a spider. (Exh. 1, Pl. dep., p. 28:5-7.)

13. Plaintiff testified that fruit flies would come up from the drains in the floor. He testified that they would pour bleach down the drain to get rid of them. (Exh. 1, Pl. dep., p. 25:13-17.)

14. Plaintiff testified that while he was incarcerated in Division 6 he had bedbugs, but he did not tell anyone. Plaintiff testified he was bitten once or twice, but he never when to the infirmary or Cermak. (Exh. 1, Pl. dep., p. 29:2-18.)

15. Plaintiff testified that there were cockroaches in Division 6, but that he was never bitten by one. (Exh. 1, Pl. dep., p. 30:8-24; 31:1.)

16. Plaintiff testified that water leaked from the since in Division 3 and that people came in multiple times to work on the problem but they did not fix it. (Exh. 1, Pl. dep., p. 31:5-20.)

17. Plaintiff testified that the detainees were not given enough time to shower when he was housed in Division 3. He testified that approximately one or two of the four showers did not work. (Exh. 1, Pl. dep., p. 31:21-24; 32:1-15.)

18. Plaintiff testified that there was mold in the bathroom and shower area of Division 3. Plaintiff testified that a group of men would come in to get rid of the mold. Plaintiff testified that the mold would be gone following the cleaning but that it would return. (Exh. 1, Pl. dep., p. 33:23-24; 34; 1-24; 35:1-14.)

19. Plaintiff testified that paint peeled off of the bunks, especially when he was housed in Division 3, Dorm E2. He testified that he was on a bottom bunk so the paint particles did not fall on his bunk, only the top bunk. (Exh. 1, Pl. dep., p. 36:15-24; 37:1-13.)

20. Plaintiff also testified that he did not have any privacy while taking a shower because female officers would have to watch the shower area. Plaintiff testified that the female officers were there to break up fights and make sure they were safe. (Exh. 1, Pl. dep., p. 37:14-24; 38:1-17.)

21. Plaintiff testified that when he was housed in Division 8 he slept on a mattress that caused his hip to hurt. He further testified that he went to see a doctor once he returned to Division 3 for his hip pain. (Exh. 1, Pl. dep., p. 40:19-21; 41:12-15.)

22. Plaintiff testified that he complained to the officers and the ladies working in the pharmacy about his mattress. Plaintiff asserts that he does not know these individuals' names. (Exh. 1, Pl. dep., p. 41;3-8.)

Respectfully submitted,

KIMBERLY M. FOXX
State's Attorney of Cook County

/s/ *Allyson L. West*
Assistant State's Attorney
Allyson L. West
Assistant State's Attorney
500 Richard J. Daley Center
Chicago, IL 60602